

UNITED STATES DISTRICT COURT

for the Northern District of Georgia

DANTE JEVON ERICSON OTTLEY,

Petitioner

v.

ANTHONY BLINKEN, US SECRETARY OF STATE;

MERRICK GARLAND, US ATTORNEY GENERAL;

THOMAS E. BROWN, US MARSHAL, NDGA.

BRICK TRIPP, WARDEN, RADDF.

*Respondent(name of warden or authorized person having custody
of petitioner)*

Case No. _____
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Dante Jevon Ericson Ottley
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Robert A. Deyton Detention Facility
(b) Address: 11866 Hastings Bridge Road
Lovejoy, GA 30250
(c) Your identification number: USM # 20633-510
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☒ Other (explain): Extradition Certification and Order of Commitment

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☒ Other (explain): Extradition certification

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: United States District Court for the Northern District of Georgia
decision issued by Magistrate Judge Larkins
 (b) Docket number, case number, or opinion number: 1:22-mj-716-JKL; Doc. 36
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Extradition certification
 (d) Date of the decision or action: April 13, 2022

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
 (2) Date of filing: _____
 (3) Docket number, case number, or opinion number: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____
 The process for appealing an extradition certification is via a 28 U.S.C. Sec. 2241 petition for writ of habeas corpus.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If “Yes,” provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered “No,” explain why you did not file a second appeal: _____

unavailable

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If “Yes,” provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered “No,” explain why you did not file a third appeal: _____

unavailable

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If “Yes,” answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: unavailable

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____

- (b) Date of the removal or reinstatement order: _____

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ Yes ☐ No

If "Yes," provide:

- (a) Kind of petition, motion, or application:

Motion to Terminate Provisional Arrest and Motion to Dismiss (Doc. 14); Response to Government's Memorandum of Law Corrected (Doc. 30).

- (b) Name of the authority, agency, or court:

United States District Court for the N.D. of Georgia

- (c) Date of filing: _____

- (d) Docket number, case number, or opinion number: 1:22-mj-716-JKL

- (e) Result: Bail was denied and certification for extradition was issued.

- (f) Date of result: April 13, 2023

- (g) Issues raised

extradition will deprive Mr. Ottley of Due Process, violate his constitutional rights, and put his life in jeopardy.

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Extraditing Mr. Ottley is Tantamount to Imposing Cruel and Unusual Punishment

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

See attached.

(b) Did you present Ground One in all appeals that were available to you?

X Yes

☐ No

GROUND TWO: The Second Prosecution of Mr. Ottley Violated his Fifth Amendment Right Against Double Jeopardy

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

See attached.

(b) Did you present Ground Two in all appeals that were available to you?

X Yes

☐ No

GROUND THREE: The Netherland's Formal Extradition Request was Deficient

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

See attached.

(b) Did you present Ground Three in all appeals that were available to you?

X Yes

☐ No

GROUND FOUR: The Magistrate Court Lacked Sufficient Evidence to Find Probable Cause

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

See attached.

(b) Did you present Ground Four in all appeals that were available to you?

X Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: _____
- _____
- _____
- _____

Request for Relief

15. State exactly what you want the court to do: Block the extradition request by reversing certification and order Mr. Ottley be immediately released from custody.
- _____
- _____
- _____
- _____

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

4/27/23



Signature of Petitioner



Signature of Attorney or other authorized person, if any